[7th September 1960

[*Note.*—**An asterisk * at the commencement of a speech indicates revision by the Member.**]

IV ANNOUNCEMENTS.

(1) SERVICE OF NOTICE ON THE HON. SPEAKER BY THE HIGH COURT OF MADRAS.

MR. SPEAKER : I want to inform hon. Members that I have been served with a notice by the High Court of Madras in the case 'Sri A. Ramachandran *v.* Hon. Speaker, Writ No. 876 of 1960', directing that I should appear personally or by advocate on the 4th October 1960 at 10–45 a.m. before the High Court of Judicature at Madras to show cause why the petition of Sri Ramachandran should not be complied with. This petition is for the purpose of issue of a writ in the nature of Mandamus directing me as Speaker of the Madras Legislative Assembly to forbear from allowing consideration or discussion of the Privilege Motion tabled by Mr. Lazar or any other motion of a like nature put down for consideration by the Madras Legislative Assembly on the 7th September 1960 or any adjourned date.

Article 212 of the Constitution reads as follows :—

(1) The validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No Officer or Member of the Legislature of a State in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order in the Legislature shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers.

As per this constitutional provision, I feel that I cannot be and do not propose to be subjected to the authority of any Court in the exercise of my powers (Cheers).

V.—PRIVILEGE MATTERS.

(1) NOTICE ISSUED BY THE HIGH COURT TO THE HON. SPEAKER.

MR. SPEAKER : I have received notice of a number of Privilege matters. I shall take them one by one. I shall call upon the Members who have given notice to raise them. Then, we shall decide what we should do with them. First of all, I call upon the hon. Member Sri Kalyanasundaram to raise his privilege matter.

SRI M. KALYANASUNDARAM : Sir, I shall now read my Motion . . . .

THE HON. SRI C. SUBRAMANIAM : Sir, may I make a submission? May I know how many Members have given notice of Privilege Motions?

MR. SPEAKER : The hon. Member Sri Kalyanasundaram has given notice of one; the hon. Member Sri V. S. Manikkasundaram has given notice of two; the hon. Member Sri T. Sampath has given notice of one and the hon. Member Sri P. S. Chinnadurai has given notice of one motion. The notices given by the

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hon. Members Sri Kalyanasundaram, Sri Manikkasundaram and Sri T. Sampath are Privilege matters and the motion given notice of by the hon. Member Sri P. S. Chinnadurai is an Adjournment Motion. Sri Chinnadurai's adjournment motion covers the same subject as the one contained in the Privilege matters. So, we shall take up the Privilege matters first and then the Adjournment Motion.

THE HON. SRI C. SUBRAMANIAM : I would like to make a respectful submission. I suggest that all the Motions may first be read out by the hon. Members who have given notice of them. Let the House know what those motions are about and what is contained in them. Later, you may please call upon the Members to explain their points. Now, for the present, let the hon. Members confine themselves to the reading of the motions. Later, they may make a speech on their motions.

MR. SPEAKER : I agree to the suggestion made by the Hon. Leader of the House. Now, I call upon the hon. Member Sri Kalyanasundaram to read his notice.

SRI M. KALYANASUNDARAM : I shall now read my notice, Sir, which states—

"Kindly permit me to raise a motion of privilege regarding the notice issued by the High Court to the Speaker, which is an interference with the Privilege of the House to prepare the Agenda".

SRI V. S. MANIKKASUNDARAM : I shall read my notice, which states—

"It appears that the High Court of Judicature at Madras has admitted a petition for the issue of a Writ of Mandamus directing the Speaker of the Madras Assembly to forbear from allowing consideration of the Privilege Motion tabled by Mr. S. Lazar on the ground that such a consideration is in violation of Article 211 of the Constitution of India.

Article 212 (2) lays down that, no officer or member of the Legislature of a State in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in the Legislature, shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers.

The petition tends to lower the dignity of the Chair, to interfere with the conduct of the business of this House and to interfere with the freedom of speech of the members of this House. It amounts to a breach of privilege of the Speaker and of the members of this House.

I therefore request that the said matter be referred to the Committee of Privileges for enquiry and report."

I shall now read my second notice. It refers to a petition that has been admitted by the High Court praying that action might be taken against the hon. Member Sri S. Lazar.

THE HON. SRI C. SUBRAMANIAM: This is a separate motion and refers to a different subject. So, that Motion need not be read out now. It could be taken up separately.

(2) PETITION FOR ISSUE OF WRIT OF MANDAMUS TO THE HON. SPEAKER.

SRI T. SAMPATH: Sir, I shall now read my notice, which states—

"I give notice of the following motion of privilege:—

It is reported in the papers that one Sri A. Ramachandran appears to have filed a writ petition before the Hon'ble High Court of Judicature of Madras requesting the High Court for the issue of Writ of Mandamus calling upon the Hon. Speaker to forbear from proceeding with the discussion on the motion of privilege given notice of and moved by Sri S. Lazar on 5th September 1960 and the High Court appears to have admitted the same and asked the Hon. Speaker through the Advocate-General not to proceed with the discussion.

The said Ramachandran appears to have filed another Writ Petition requesting that the High Court should take proceedings against Sri S. Lazar for contempt of Court, and that the High Court appears to have admitted the same and issued notice to Sri S. Lazar.

The said actions of Ramachandran are in violation of Articles 194 and 212 of the Constitution of India affecting the privileges of this House and of the Member Sri S. Lazar. "I feel that there is a *prima facie* case for referring this matter to the Committee of Privileges."

MR. SPEAKER: Now that the hon. Members have read their notices, they may make a brief speech explaining these matters. The hon. Member Sri Kalyanasundaram may now speak.

SRI M. KALYANASUNDARAM: Sir, this is a petition for a Writ to direct the Speaker and to issue an injunction to the Speaker not to allow the Motion of Privilege to be taken for consideration or discussion in this House. Not only with regard to the Motion given notice of by the hon. Member Sri Lazar, but any other Motion that may come up before the House is affected. So, it is a wholesale injunction—of course if it materializes—to the Speaker with regard to what subjects he should allow to be discussed or should not be allowed.

At the outset, I want to make one matter clear. Regarding the merit of Privilege Motion given notice of by hon. Member Sri
9-30 a.m. Lazar, I may state that I am not on that point now. I wish to reserve my comment for that occasion. But now whether the hon. Member Sri Lazar has the right to move such a privilege motion and the Hon. Speaker is in order in having allowed it for discussion or for being raised before this House, is the point relevant now. No doubt Article 211 says that no discussion shall take place in the